

**PUBLIC NOTICE**

**# M2004-05**



**TN DEPT. OF ENVIRONMENT & CONSERVATION  
DIVISION OF WATER POLLUTION CONTROL  
MINING SECTION  
2700 MIDDLEBROOK PIKE SUITE 220  
KNOXVILLE TN 37921**

**ISSUE DATE 9/27/2004**

**EXPIRATION DATE 10/27/2004**

**TO WHOM IT MAY CONCERN:** The applications described herein have been submitted for Aquatic Resource Alteration Permits pursuant to *The Tennessee Water Quality Control Act of 1977*, T.C.A. §69-3-108.

The purpose of this notice is to advise all concerned of the proposals for which permits are sought and to solicit comments and information necessary to evaluate the probable impact of the activities upon the respective water resources. The decision whether to issue or deny will in part be based upon that evaluation. All factors that may be relevant to the proposals will be considered.

Persons wishing to comment on or object to the issuance of a proposed permit are invited to submit comments in writing to the address listed above. Written statements received in this office on or before the date of expiration of the comment period, **October 27, 2004**, will become part of the record and will be considered in the determination. The public notice number, applicant's name, permit number and coordinator should be referenced.

Interested persons may also request in writing that the director of the Division hold a public hearing on any application. The request must be filed within the comment period and must indicate the interest of the person requesting it, and the reasons that the hearing is warranted. When there is sufficient public interest, the director shall hold a hearing in accordance with Rule 1200-4-1-.05(3)(G).

After consideration of comments submitted during the public comment period, the hearing record if any, and the requirements of federal and state law, the director of the Division will make determinations regarding the final action on each permit. Permit applications, supporting documentation and related comments are available for review and/or copying.

The public notice includes tentative determinations regarding the issuance, modification, denial or termination of permits for the activities proposed herein.

**Permit Application Number:** ARAP-#M2004-05

**Applicant:** Mr. Kent Justice, General Manager  
Global Stone Tenn Luttrell  
486 Clinch Valley Road  
Luttrell, TN 37779

**Location:** Flat Creek in Union County near Luttrell, Tennessee at 36°13'15" latitude and 83°43'30" longitude on the Luttrell, Tennessee USGS Quadrangle. The effected reaches are associated with Global Stone Tenn Luttrell Company, Luttrell Mine NPDES TN0060844.

**Background Information:** Global Stone Tenn Luttrell Company or one of its predecessors has mined Limestone at the Luttrell Mine since 1974. Due to the karst geology associated with this site and proximity of the mine to Flat Creek periodically the bedrock in the streambed fractures and water from the stream infiltrates into the mine. Measures to restore the streambed when Flat Creek infiltrates into the mine have been covered under an Aquatic Resource Alteration Permit issued in 1994, and renewed in 1999. In 2002, Davies Resource Group developed stream restoration and design plans to improve the repair and restoration procedures for Flat Creek used by Global Stone Tenn Luttrell Company. Global Stone has ceased to mow in areas adjacent to the stream and planted trees in the riparian areas.

The Division's review of the permit application determined that the scope of the project is such that the proposed activities are not covered under a general permit.

**Project Description ARAP-#M2004-05:** Global Stone Tenn Luttrell Company has applied for an Individual Aquatic Resource Alteration permit for alteration and restoration type activities in approximately 5000 linear feet reach of Flat Creek. The applicant proposes to continue to implement emergency stream restoration procedures in Flat Creek. The emergency procedures will be implemented if the streambed integrity fails and infiltration of water into the Luttrell Mine occurs. If the applicant believes remedial action is necessary the applicant proposes to implement the following plan:

1. Notification to the Division of Water Pollution Control-Mining Section by phone at (865) 594-6035 during normal working hours. During all other hours the Mining Section must be notified by fax at (865) 594-6105. The following information must be provided on the *Flat Creek Bank Stabilization Project Notification* form developed by the applicant:
  - a. When work is expected to begin.
  - b. The approximate mine grid coordinates of the repair project.
  - c. Whether deviation from approved procedures or alternate plans appear necessary.
  - d. When the repairs should be completed.

2. During inflow emergencies Global Stone Tenn Luttrell Company will take appropriate action to contain and eliminate any inflow of water from Flat Creek into the mining operations.
3. The repairs of fractures or weathered joints found in the bedrock will depend on the conditions found in the specific reach of stream. These repairs would be attempted when water flow in Flat Creek is low. These repairs include the following techniques and others developed by Global Stone Tenn Luttrell Company:
  - a. Diversion of the stream in a lined temporary channel while repairs to the channel and streambed of Flat creek are underway.
  - b. Diversion of flow within the stream channel to one side during repair projects using cofferdams to create a temporary embankment.
  - c. Repair of a single hole using small cofferdam structures to divert water around the holes. The holes are then repaired using one of the following methods:
    - i. Hole is filled with rock then capped with two feet of concrete.
    - ii. Hole is filled with rock then capped with a minimum six-inch layer of fine aggregate overlain with a minimum two-feet of riprap.
  - d. Repair of fracture zone areas may require installation of a concrete liner in the bedrock streambed. Large rock will set in the liner to provide some diversity of aquatic habitat.
4. On completion of repairs all silt bearing materials will be removed from the stream and the flood-prone area. Exposed work areas will be graded and re-vegetated using an appropriate seed and fertilizer mix with sediment and erosion controls.

**Tentative Determination:** The Division proposes to issue a conditional permit.

**Permit Coordinator:** Dave Turner  
Mining Section  
Division of Water Pollution Control  
2700 Middlebrook Pike  
Suite 220  
Knoxville, TN 37921

#### Aquatic Resource Alteration Permit Conditions

1. The work shall be accomplished in conformance with the approved plans, specifications, data and other information submitted in support of the above application and the limitations, requirements and conditions set forth herein.

2. The proposed work shall be carried out in such a manner as will prevent violations of water quality criteria as stated in Rule 1200-4-3-.03 of the Rules of the Tennessee Department of Environment and Conservation. This includes but is not limited to the prevention of any discharge that causes a condition in which visible solids, bottom deposits or turbidity impairs the usefulness of waters of the state for any of the uses designated by Rule 1200-4-4. These uses include fish and aquatic life, livestock watering and wildlife, recreation and irrigation.
3. Activities that result in the alteration to “waters of the state” other than the reaches specified in the approved plans and permit require prior authorization under a separate aquatic resource alteration permit.
4. A copy of the permit and approved plans must be kept on site during all construction phases of the activity covered.
5. Drainage and erosion controls must be in place prior to commencing construction activities.
6. Monitoring requirements must be implemented for the ARAP-#M2004-05 project area.
  - Narrative description and photos of pre-project conditions
  - Pre-project habitat assessment
  - Annual narrative description and photos
  - Annual riparian vegetation survey
  - Post-project habitat assessment at the end of the required monitoring period
7. A comprehensive post-project report must be submitted to the Division at the conclusion of the five-year monitoring period. This report must demonstrate that the ARAP channel, aquatic habitat areas, and riparian buffer zones have met permit conditions.

**State of Tennessee  
Antidegradation Policy**

Tennessee's Antidegradation Statement is found in Chapter *1200-4-3-.06* of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the antidegradation policy is to establish a greater level of protection for those waters that are identified to be of high quality. Some high-quality waters are in near-pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

Generally, there are two types of high-quality waters. Outstanding National Resource Waters (ONRWs), or Tier 3 waters, are specifically designated by the Water Quality Control Board and are afforded the greatest level of protection. No new discharges or expansion of existing discharges are allowed to result in degradation of the existing water quality.

Other high-quality waters are identified by the Department as Tier 2 waters and are also protected against degradation. Some degradation may be allowed only if the Water Quality Control Board deems it economically and socially necessary. Other surface waters not specifically identified and/or designated as high quality are referred to as Tier 1 waters. Tennessee's Water Quality Standards must be achieved and/or maintained in these waters.

This permit does not obviate requirements of other federal, state or local laws.

The State of Tennessee reserves the right to modify or revoke this permit or to seek modification or revocation should the State determine that the activity results in more than an insignificant violation of applicable water quality criteria or violation of the Act. Failure to comply with permit terms may result in penalty in accordance with § 69-3-115 of the Act.

An appeal of this action may be made to the Water Quality Control Board. In order to appeal, a petition requesting a hearing before the Board must be filed within thirty days after receipt of the permit action. In such petition, each contention should be stated in numbered paragraphs, which describe how the proposed activity would be lawful and the action of the state is inappropriate. The petition must be prepared on 8½" by 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the following address: Paul E. Davis, Director, Division of Water Pollution Control, 6th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534. Any hearing would be in accordance with T.C.A. §69-3-110 and 4-5-301 et. seq. Questions concerning this certification should be addressed to Dave Turner at 865-594-5541 or Dan Murray at 865-594-5549.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

TENNESSEE  
MAPS

